IN THE HIGH COURT OF UTTARANCHAL
NAINITAL.

Writ Petition No. 1206 (M/S) of 2006

Smt. Laxmi Mishra,
W/o Sri Vishwanath Mishra,
R/o Chawk Bazar, Kankhal,
Hardwar. **…….Petitioner**

V e r s u s

Smt. Kamla Devi,
W/o Sri G.R. Mahendra,
R/o 5, Sindhi Housing Society,
Chembur,
Mumbai. **…..Respondent.**

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Miglani, learned counsel for the petitioner.

By means of this writ petition, the petitioner has prayed for the following regiefs:

I. *To summon the complete record pertaining to the case.*
II. *Issue the order or direction setting aside the impugned order dated 04.08.2006 contained in Annexure no. 4 to the present writ petition.*
III. *To issue the order or direction allowing the amendment application filed by the petitioner.*
IV. *To issue any other suitable order or direction as this Hon'ble Court may deem fit and proper in the fats and circumstances of the case.*
V. *To award the cost of the petition to the petitioner.*

By the impugned order dated 04.08.2006 passed by District Judge, Hardwar, the amendment application of the petitioner has been rejected on the ground that by allowing the application for amendment of the petitioner, which was moved for release of the accommodation, will completely change the nature of earlier application.

The facts of the case are that on 06.07.1984 mother of the petitioner Smt. Vidyawati filed application under section 21 (1) (a) of U.p. Urban Buildings (Regulation of lettings, Rent and Eviction) Act, 1972 for release of shop on the ground that her husband wants to start the business of selling books in shops.

On 30.07.2004, learned Prescribed Authority dismissed the application. Against the order dated 30.07.2004, petitioner filed Rent Control Appeal No. 48 of 2004 before Appellate Authority.

During the pendency of the proceeding, Smt. Vidyawati, who is the landlady of the shop and who has filed application for release of the shop expired on 30.01.2004. Husband of the Smt. Vidyawati has already been expired on 01.07.1987.

The release of the shop was sought for husband of Smt. Vidyawati to do the business in the aforesaid shop. Now the petitioner, who is married daughter of Smt. Vidyawati, moved the application for amendment in the application for release on the ground that she is in need of shops for herself and her husband.

I do not find any infirmity in the order dated 04.08.2006 passed by District Judge, Hardwar as the

appellant who has moved application under section 21 (1) (a) for release of shop has already been expired and the husband of Vidyawati for whom she wanted the shops to be vacated so that he may do his business in the aforesaid shops has also been expired.

Writ petition lacks of merit, as such, is dismissed. Misc. Application No. 11188 of 2006 is also dismissed. No order as to costs.

(M.M. Ghildiyal, J)

August 31, 2006
SKSharma